

Alabama Real Estate Commission



Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
April 22, 2004**

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Functional and Organizational Analysis of the Alabama Real Estate Commission

Sources of Information

- Representatives of the Alabama Real Estate Commission
- Code of Alabama 1975 § 34-27-1 through § 34-27-69
- Code of Alabama 1975 § 41-20-3 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through § 41-22-27 (Administrative Procedures Act)
- Alabama Administrative Code Chapters 790-X-1 and 790-X-5
- Alabama Government Manual (2002) p. 535
- Alabama Real Estate Commission Records Retention Schedules
- Alabama Real Estate Commission Website
- Alabama Real Estate Commission Audit Report (1998-2000)

Historical Context

The Alabama Real Estate Commission was established in 1927 by Legislative Act 1927 No. 344 to license the real estate brokers throughout the state. With the passage of the Real Estate License Law (Acts 1950-51, No. 422) of 1951, the previously authorized originating act was expanded. In 1953, 1963, and 1982, the law was subsequently amended in order to further regulate the licensing of persons engaged in the real estate business in the state.

Agency Organization

The commission consists of nine members appointed by the governor, with the advice and consent of the Senate. Eight members must be real estate salespersons or brokers for ten years prior to their appointments. The ninth member must be a consumer not licensed as a real estate salesperson or broker for ten years prior to appointment. At least one of the nine members must be an African American. Members serve five-year, staggered terms, with no member eligible for more than two successive terms. A quorum consists of five members. The date, time, and place of meetings are specified in the commission's enabling legislation. Personnel to the commission consists of an executive director and other staff members deemed necessary by the commission. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function for the Alabama Real Estate Commission is to license and regulate the professional practices of real estate companies, salespersons, brokers, instructors, and schools in Alabama. The commission is one of the agencies primarily involved in carrying out the Regulatory function of Alabama government.

In the performance of its mandated function, the commission may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Administrative Procedures Act (Code of Alabama 1975 § 41-22-3), the commission has the authority to prescribe rules and regulations for licensure in, and the practice of, real estate. The commission also develops appropriate procedures or techniques for the implementation of its rules and regulations. This subfunction encompasses activities pertaining to the establishment and promulgation of rules, regulations, and procedures by the commission for carrying out its duties and responsibilities.
- **Licensing Salespersons/Brokers and Approving Instructors.** The commission is authorized to license real estate salespersons/brokers. All applicants must fulfill the requirements stated in the Code of Alabama including being at least nineteen years old, a citizen of the United States, and a high school graduate. Applicants must take and pass a written examination which may be prepared, conducted, and graded by an independent testing agency with which the commission has contracted. On passing the examination and complying with all other conditions for licensure, a license certificate may be issued on an active status or classified as inactive.

In order to be licensed as a real estate broker, the applicant must prove that s/he has had an active real estate salesperson's license in any state for at least 24 months of the 36 month period immediately preceding the date of application and has completed, at least, a sixty-hour course in real estate approved by the commission. In addition, s/he must pass an examination. Whenever a broker's license is issued, the salesperson's license will be automatically terminated.

A person who holds a current real estate salesperson or broker license in another state may apply for a reciprocal license on a form prescribed by the commission. The applicant must submit proof that s/he has a current real estate license in another state, as evidenced by a certificate of licensure, together with any other information required by the commission. Applicants for a reciprocal license are not subject to the examination or temporary license requirements as specified in the Code of Alabama 1975 § 34-27-33.

Licenses are renewed every two years. Brokers and salespersons who wish to hold an active license must complete approved continuing education work with the required number of hours in order for their licenses to remain active.

The Code of Alabama 1975 § 34-27-6(c) also authorizes the commission to "approve and regulate instructors who teach the commission approved pre-license, post-license, and continuing education courses." Instructor applicants must meet qualifications in education, industry and teaching experience as specified by the commission in its administrative code. Approved instructors must renew their approval every two years.

- **Approving Schools and Courses.** The commission is authorized, under the Code of Alabama 1975 § 34-27-6, to "approve and regulate schools that offer commission approved pre-license, post-license, and continuing education courses." In addition, the commission may "approve, sponsor, contract for or conduct, or assist in sponsoring or conducting real estate courses." The commission may establish and collect fees as

necessary to review and approve each course. Schools must submit specific application forms and supporting documents to the commission for consideration and approval. All sponsors for courses must apply for course approval on a form prescribed by the commission along with required supporting documents and course review fee. Approved schools and courses must be renewed every two years.

- **Registering Time-Share Plans.** In accordance with the Code of Alabama 1975 § 34-27- 50 to § 34-27-69, the commission has the responsibility to implement and enforce all rules/regulations concerning the advertisement and sale of vacation time-sharing projects under which the public may own or lease all or a portion of any hotel, condominium, cabin, lodge, apartment, or campground for recreational, social, family, or personal use. All vacation time-sharing plans must be registered with the commission.
- **Enforcing.** Staff members of the commission conduct regular inspections of licensed real estate companies to ensure that these companies comply with Alabama real estate laws, rules, and regulations. The commission is also obliged to investigate complaints from the public and to prosecute suspected violators of Alabama real estate laws, rules, and regulations in administrative hearings before the commission for possible disciplinary actions. If the licensee is found guilty, the commission may reprimand the licensee, revoke or suspend the license, and/or impose a fine of not less than \$25.00 nor more than \$1,000.00. A person convicted of a violation by the commission may appeal the decision to a county circuit court within 30 days after the date of the commission's final order.
- **Administering Internal Operations.** A significant portion of the commission's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant

positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Alabama Real Estate Commission

Agency Record Keeping System

The Alabama Real Estate Commission operates a hybrid system composed of a computer system and a paper record-keeping system.

Computer System: Current components of the commission's Local Area Network (LAN) include: five Windows 2000 file/print/application servers, one SQL database server, one Microsoft exchange electronic mail application server, one Keyfile imaging system server, one personal computer designated for daily/disaster recovery back-ups, one personal computer designated for anti-virus console and updates, one personal computer designated for AREC in-house maintenance utilities, twenty-five personal computers and six laptop computers utilized by staff, ten networked printers, and six desktop printers, one helpdesk Solutions Manager application service, and numerous in-house applications and programs unique to the agency.

Image-based System: The commission began utilizing a digital imaging system in 1996. Most paper records created and/or received by the commission are scanned and stored as electronic images. Entire system back-ups are performed nightly and reside in-house. An additional system back-up is also performed bi-weekly and kept offsite for disaster recovery purposes.

Website: The commission creates/maintains a website at www.arec.state.al.us.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Real Estate Commission: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met.

- **Lapsed Licensee and Approved Instructor Files.** This series consists of all files created/maintained to examine, license/approve, and regulate companies, salespersons/brokers, or instructors. Records created prior to 1996 are maintained in paper format. After 1996, files are maintained mainly in an electronic format. Lapsed licensees or instructors are subject to all requirements applicable to persons who have never been licensed/approved if they seek to be involved in the real estate business or teaching again. These lapsed files must be retained for one audit period to meet an administrative compliance review requirement.
- **Interstate Co-Brokerage Agreements.** The Code of Alabama 1975 § 34-27-3(b) states whenever an Alabama licensed real estate broker enters into a co-brokerage agreement with a non-resident broker to perform a real estate transaction in Alabama, the Alabama broker must file with the commission, within 10 days, a copy of each such written

agreement. This series has administrative value to the commission as it is created to assist the staff in ensuring that all Alabama law, rules, and regulations concerning non-resident brokers are observed in real estate transactions in Alabama. These records should be kept for one compliance audit period.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

- **Meeting Minutes of the Commission.** This series should constitute the best documentation of the commission's work. In addition to regular business, such as approval or denial of applications for real estate salespersons/brokers or instructors, the minutes also contain information on hearings conducted by the commission relating to violations of Alabama's real estate law, rules, and regulations. **(Bibliographic Title: Meeting Minutes)**

Licensing Salespersons/Brokers and Approving Instructors

- **Roster of Licensees and Approved Instructors.** This series consists of rosters of people who are licensed/approved to act as real estate salespersons/brokers or instructors in the state. The commission currently maintains the roster data in electronic format. **(Bibliographic Title: State Publications)**
- **Sample Licensure Examination Questions and Candidate Handbooks.** This series consists of sample licensure practice examinations and candidate handbooks designed by the Applied Measurement Professionals (AMP), the contracted testing service agency for the development and administration of real estate licensure examinations. The sample examination is a representative of the actual examination in form, length, and content. The commission has input into the exam by reviewing the questions to ensure they are applicable for Alabama. Since the test questions are the property of AMP, the commission neither receives nor maintains real test questions. Exams are given via computer at test centers. The candidate handbook provides applicants with, among other things, information on test content outlines. AMP uses this content outline, which is based on a job analysis and expert judgement, as a guide in designing the examination questions. Together, they reflect areas of knowledge required to perform real estate transactions that licensed real estate professionals judged to be important. **(Bibliographic Title: Sample Licensure Examination Questions and Candidate Handbooks)**

Administering Internal Operations

- **Informational and Promotional Publications.** This series consists of publications produced by the commission for mass distribution. Items included in this series are rules and regulations, quarterly newsletters, press releases, pamphlets, and other related materials. **(Bibliographic Title: State Publications)**

- **Office Procedural Manuals.** This series contains official policies and procedures of all office units within the commission. A current copy must always be available in the commission's office.
- **Website.** The commission has a website at www.arec.state.al.us. Information on the website includes the commission's rules and regulations, forms and applications, newsletters, licensee listings, and related links. This series documents the functions of the commission and its interaction with clients. The commission should "preserve a complete copy of website annually or as often as significant changes are made." (**Bibliographic Title: Website**)
- **Real Property Files.** These records document the ownership, plans, and specifications of real property and should be maintained permanently by the commission.
- **Inventory Lists.** The Code of Alabama 1975 § 36-16-8[1] requires that "the head of each department or agency of the state shall designate one of its employees as property manager for the department or agency. Except for books, the property manager shall make a full and complete inventory of all non-consumable personal property and certain other items of personal property deemed important or sensitive enough by the Property Inventory Control Division to be included in the inventory of state property of the value of five hundred dollars or more owned by the state and used or acquired by the department or agency. The inventory shall show the complete description, manufacturer's serial number, cost price, date of purchase, location, and custodial agency, responsible officer, or employee, and the state property control marking ...All property managers shall keep at all times in their files a copy of all inventories submitted to the Property Inventory Control Division, and the copies shall be subject to examination by any and all state auditors or employees of the Department of Examiners of Public Accounts." These files need to be maintained in the agency's office.

Permanent Records List

Alabama Real Estate Commission

Promulgating Rules and Regulations

1. Meeting Minutes of the Commission

Licensing Salespersons/Brokers and Approving Instructors

1. Roster of Licensees and Approved Instructors
2. Sample Licensure Examination Questions and Candidate Handbooks

Administering Internal Operations

1. Informational and Promotional Publications
2. Office Procedural Manuals*
3. Website
4. Real Property Files*
5. Inventory Lists*

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Real Estate Commission Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Real Estate Commission. The RDA lists records created and maintained by the Alabama Real Estate Commission in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Alabama Real Estate Commission to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Real Estate Commission's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of

material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Real Estate Commission and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Promulgating Rules and Regulations

MEETING MINUTES OF THE COMMISSION

Disposition: PERMANENT RECORD.

Licensing Salespersons/Brokers and Approving Instructors

ROSTER OF LICENSEES AND APPROVED INSTRUCTORS

Disposition: PERMANENT RECORD.

SAMPLE LICENSURE EXAMINATION QUESTIONS AND CANDIDATE HANDBOOKS

Disposition: PERMANENT RECORD.

Lapsed Licensee and Approved Instructor Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the license/approval lapsed.

Licensee and Approved Instructor Database

Disposition: Temporary Record. Retain until administrative use has ended.

Denied Instructor Files

Disposition: Temporary Record. Retain 2 years after denial.

Monthly Licensee and Approved Instructor Activity Summary Reports

Disposition: Temporary Record. Retain for useful life.

Interstate Co-Brokerage Agreements

Disposition: Temporary Record. Retain 3 year after the end of the fiscal year in which the transaction occurred.

Approving Schools and Courses

Approved Real Estate School Files

Disposition: Temporary Record. Retain 2 years after the school is closed.

Approved Real Estate Course Files

Disposition: Temporary Record. Retain 2 years after course is no longer offered.

Denied Real Estate Course Files

Disposition: Temporary Record. Retain 2 years after denial.

Instructor's Seminar Files

Disposition: Temporary Record. Retain 2 years.

Monthly Real Estate Examination Statistics

Disposition: Temporary Record. Retain 2 years.

Monthly Examination Result Rosters

Disposition: Temporary Record. Retain 2 years.

Registering Time-Share Plans

Vacation Time-Sharing Project Registration Files

Disposition: Temporary Record. Retain 5 years after the last registration renewal date.

Time-Sharing Advertising Items Received

Disposition: Temporary Record. Retain 2 years after the end of the fiscal year in which the records were created.

Enforcing

Real Estate Company Inspection/Audit Files

Disposition: Temporary Record. Retain 3 years.

Unverified Complaint Investigation Files

Disposition: Temporary Record. Retain 3 years.

Formal Complaint Investigation Files

Disposition: Temporary Record. Retain 5 years after the final disposition of the case.

Licensee Lawsuit Notifications

Disposition: Temporary Record. Retain 2 years after the case is closed.

Legal Case Files

Disposition: Temporary Record. Retain 10 years after the final settlement of the case.

Complaint Logs

Disposition: Temporary Record. Retain for useful life.

Real Estate Recovery Fund Case Files

Disposition: Temporary Record. Retain 3 years after the final settlement of the case.

Administering Internal Operations: Managing the Agency**INFORMATIONAL AND PROMOTIONAL PUBLICATIONS**

Disposition: PERMANENT RECORD.

OFFICE PROCEDURAL MANUALS

Disposition: PERMANENT RECORD.

WEBSITE

Disposition: PERMANENT RECORD. Preserve a complete copy of website annually or as often as significant changes are made.

Files of Executive Director, Division Heads, and Managers

Disposition: Temporary Record. Retain for useful life.

Staff Meeting Minutes

Disposition: Temporary Record. Retain for useful life.

Sunset Committee Review Records

Disposition: Temporary Record. Retain for useful life.

Board of Adjustment Case Files

Disposition: Temporary Record. Retain 5 years after the final disposition of the case.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Shipping Records

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Telephone Logs/Calendars

Disposition: Temporary Record. Retain 3 year after the end of the calendar year in which the records were created.

Printing Negative Plates and Materials

Disposition: Temporary Record. Retain 1 year after the end of the calendar year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

Computer system documentation (hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Finances**Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and cancelled checks

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Administering Internal Operations: Managing Human Resources

Records documenting job recruitment

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Position Classification Files

Disposition: Temporary Record. Retain 4 years after position is reclassified.

Records documenting job description

Disposition: Temporary Record. Retain until superseded.

Certification/Personnel Transaction Files

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Records documenting application for employment

Disposition: Temporary Record. Retain 1 year after request.

Records documenting an employee's work history - generally maintained as a case file

- a. Records documenting work history of employees
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.
- b. Records, located within divisions/offices, which document an employee's work history
Disposition: Temporary Record. Retain 1 year after separation of employee from the agency.

Records documenting payroll (e.g. pre-payroll report, payroll check registers)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting employees' daily and weekly work schedules

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting final leave status

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting verification of accuracy of State Personnel Department records

Disposition: Temporary Record. Retain for useful life.

Records documenting Equal Employment Opportunity (Code of Federal Regulations, Title 29)

- a. Compliance Records
Disposition: Temporary Record. Retain 3 years after the close of the program year.
- b. Complaint Records
Disposition: Temporary Record. Retain 3 years from the date of resolution of the complaints.

State Employees Injury Compensation Trust Fund Files

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Worker Compensation Injury and Settlement Reports

Disposition: Temporary Record. Retain 12 years after the end of the fiscal year in which the transaction occurred (Code of Alabama 1975 § 25-5-4).

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Employee Administrative Hearing Files

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Administering Internal Operations: Managing Properties, Facilities, and Resources

REAL PROPERTY FILES

Disposition: PERMANENT RECORD.

INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

Unimplemented Architectural and Building Plans

Disposition: Temporary Record. Retain for useful life.

Inventory Lists and/or Letters of Transmittal

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Agency Copies of Transfer of State Property Forms (SD-1)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Computer Equipment Inventory Records

Disposition: Temporary Record. Retain until disposition of equipment.

Electronic Equipment Repair Logs

Disposition: Temporary Record. Retain for useful life.

Service Requests

Disposition: Temporary Record. Retain until work is completed

Incident/Accident Reports

Disposition: Temporary Record. Retain 2 years following incident/accident.

Facility/Building Security Records

Disposition: Temporary Record. Retain for useful life.

Fire Extinguisher and Alarm Maintenance/Inspection Records

Disposition: Temporary Record. Retain 2 years.

Fire/Safety Inspection Results

Disposition: Temporary Record. Retain until superseded.

Records documenting the use, maintenance, ownership, insurance, and disposition of vehicles owned by the agency

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the vehicle is removed from the property inventory.

Insurance Policies / Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Records documenting maintenance of vehicle and equipment

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama Real Estate Commission (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in April of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this Records Disposition Authority on April 22, 2004.

Edwin C. Bridges, Chairman, by Tracey Berezansky
State Records Commission

Date

Receipt acknowledged:

D. Philip Lasater, Executive Director
Alabama Real Estate Commission

Date